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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,878	11/13/2003	Nobuhiko Takeda	000409-068	6288

21839 7590 10/28/2005

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,878

Applicant(s)

TAKEDA ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to because the section lines in figures 2 and 3 should be labeled such that the labeling indicates which figure shows the view taken along the cross section. For example, the section line C-C in figure 2 should be changed to --3-3-- so as to indicate that figure 3 shows the view taken along the section line. Figures 3 and 4 are objected to because they fail to include the proper cross sectional shading as required by MPEP 608.02.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the paragraph beginning on line 9 of page 2 should be moved to the summary of the invention section of the specification since it discusses the present invention rather than the prior art. On line 5 of page 4, it is suggested that the applicant change "C-C" to --3-3-- to agree with the drawing changes. On line 7 of page 4, it is suggested that the applicant change "D-D" to --4-4-- to agree with the drawing changes. Figures 5A-5D and Figures 9A and 9B each require a separate description.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "drives to rotate" on line 12 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What does the first member drive? Recitations such as "at least one contacting portion" on line 2 of claim 2 render the claims indefinite because it is unclear whether or not the contacting portion comprises part of the engaging mechanism. The recitation on line 2 of claim 2 implies that the contacting portion is not part of the engaging mechanism, however,

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without the contacting portion, i.e., the driving pin, the engaging mechanism cannot function. Recitations such as "and engages . . . a contacting wall" on lines 3-4 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How can the contacting portion engage with another element of the invention through the contacting wall. It appears that the contacting wall engages with the engaging mechanism rather than the contacting portion itself. Recitations such as "formed at" on line 4 of claim 2 render the claims indefinite because they are grammatically awkward and confusing. On line 1 of claim 3, it is suggested that the applicant change "includes" to --comprises-- to avoid confusion. Recitations such as "each assembled . . . shoulder portion" on lines 2-3 of claim 5 render the claims indefinite because it is unclear if the applicant is setting forth a hook at each shoulder portion or two hooks at each shoulder portion. Recitations such as "at right angles" on line 3 of claim 6 render the claims indefinite because it is unclear how there can be more than one right angle. Recitations such as "the hook" on line 4 of claim 9 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3, 6, 8 and 9, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Dozois. Dozois discloses a door driving unit comprising a driving mechanism 52 rotatable in a reciprocating manner within a predetermined operational angle range; a body portion 54 fixed to a vehicle body 10; a first member 58 driven by the driving mechanism; a second member 56 driven by the first member by being in contact with the first member; the first member and the second member being supported by a common shaft 60; and an engaging mechanism 74, 75, 76 and 81 for engaging the first member and the second member with each other so that the first member and the second member rotate as a unit with each other within a first predetermined angle range when the first member drives to rotate the second member, the first member includes a contacting portion 76 and a contacting wall (not numbered, but comprising one of the walls of 74), the first member 58 includes an output gear, a driving pin 81, a cam plate 78, a neutral position detecting switch 79, a bracket 80.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4, as best understood by the examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Dozois as applied to claims 1-3, 6, 8 and 9 above, and

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further in view of Japanese Patent Application No. 2000-96913. Dozois discloses a driving arm 56 and a first member 58 which includes an arc portion 74 which includes a pair of shoulder portions 75 and 76. Dozois is silent concerning a driving arm including the arc portion and the shoulder portions.

However, Japanese Patent Application No. 2000-96913 discloses a door driving unit comprising a driving arm 17 having a flange portion 17b formed at an outer peripheral portion of the driving arm and a pair of shoulder portions.

It would have been obvious to one of ordinary skill in the art to provide the driving arm of Dozois a flange portion, and the arc portion and the shoulder portions of the first member, as taught by Japanese Patent Application No. 2000-96913, to decrease the size of the door driving unit.

Allowable Subject Matter

Claims 5 and 7, as best understood by the examiner, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim, any intervening claims, and include the language set forth below or equivalents thereof.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the engaging mechanism including a pair of hooks each

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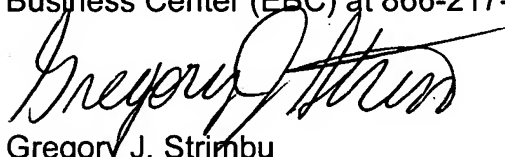
rotatably fixed to the flange portion adjacent a respective one of the shoulder portions via a shaft.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daniels et al., Oberheide, Bascou, Engleson, Weiss, Richmond, and Wright et al. are cited for disclosing a door driving unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
October 25, 2005